

**IN THE UNITED STATES DISTRICT COURT FOR THE
EASTERN DISTRICT OF TEXAS
BEAUMONT DIVISION**

PATRICIA WARE
Plaintiff

VS.

KNIGHT TRANSPORTATION, INC.
AND WAYNE E. GLENNA
Defendants

§
§
§
§
§
§
§
§

CIVIL ACTION NO. 1:19-cv-47

JURY REQUESTED

DEFENDANTS' NOTICE OF REMOVAL

TO THE HONORABLE JUDGE OF SAID COURT:

COME NOW Defendants, KNIGHT TRANSPORTATION, INC. AND WAYNE E. GLENNA, and hereby give notice of their removal of Cause No. E-203101 in the 172nd Judicial District Court of Jefferson County, Texas, to the United States District Court for the Eastern District of Texas pursuant to the provisions of 28 U.S.C. §§ 1441(a) and 1446.

Factual Background

1. On or about April 12, 2017, Plaintiff claims she was injured when her vehicle was involved in a collision with a Knight Transportation, Inc. tractor and trailer in Jefferson County, Texas. Plaintiff filed suit in state court.

2. Plaintiff filed suit in state court on December 28, 2018. Service of Citation and Petition was made on Knight Transportation, Inc. and Wayne E. Glenna by agreement via certified mail on Roger D. Oppenheim on January 9, 2019. In Plaintiff's Petition there is a monetary claim for damages in an amount over \$1,00,000.00, which exceeds the jurisdictional minimum. The case has been on file for less than one year. Removal is both timely and appropriate.

Basis for Removal and Jurisdiction

3. This cause may be removed pursuant to 28 U.S.C. § 1441(a). “[A]ny civil action brought in State court of which the district courts of the United States have original jurisdiction, may be removed by the defendant to the district court of the United States for the district and division embracing the place where such action is pending.” This Court has jurisdiction over this matter under 28 U.S.C. § 1332 because there is complete diversity of citizenship and the amount in controversy is greater than \$75,000.00.

Full Diversity Between the Parties

Complete Diversity of Citizenship

4. To have diversity of citizenship, each plaintiff must have a different citizenship from each defendant. 28 U.S.C. § 1332. Complete diversity of citizenship exists between the parties as the Plaintiffs are Texas citizens and none of the Defendants are Texas citizens or corporations.

5. Plaintiff is a citizen of the State of Texas.

6. Defendant, Wayne E. Glenna, is a resident and citizen of the State of Alabama.

7. Defendant, Knight Transportation, Inc. is an Arizona corporation with its principal place of business in Arizona.

Amount in Controversy

8. In order for diversity jurisdiction to exist, the amount in controversy must exceed \$75,000.00, exclusive of interest and costs. 28 U.S.C. § 1332(a).

9. In papers filed in State court, Plaintiff alleges damages being sought are over \$1,000,000.00.

Removal is Timely and Appropriate

10. If the plaintiff creates diversity jurisdiction sometime after filing the initial complaint, the defendant has one year from the commencement of the suit to remove. 28 U.S.C. § 1446(b). A defendant has 30 days to remove a civil action after receipt of the first pleading or other paper that establishes the jurisdictional grounds. 28 U.S.C. § 1446(b). When diversity is the basis for removal, the defendant can rely on the plaintiff's voluntary assertion of damages within the complaint to meet the monetary jurisdictional requirement for diversity. *S.W.S. Erectors, Inc. v. Infax, Inc.*, 72 F.3d 489, 492 (5th Cir. 1996). "The burden of establishing subject matter jurisdiction in federal court rests on the party seeking to invoke it." *St. Paul Reinsurance Co. v. Greenberg*, 134 F.3d 1250, 1253 (5th Cir. 1998). Here, Plaintiffs' Pleading voluntarily asserts an amount in controversy more than \$1,00,000.00. This removal is filed within the thirty (30) days of the service of Plaintiff's Petition. The removal is both timely and appropriate.

Jury Demanded

11. Defendants request that the case be tried before a jury.

Consent of Served Defendants

12. Defendants, Knight Transportation, Inc. and Wayne E. Glenna consent to this removal.

Compliance with Local Rule and Notice Requirements

14. Pursuant to 28 U.S.C. § 1446 and Local Rule 81, the following documents are attached to this Notice:

Exhibit A.....Plaintiff's Original Petition with Civil Case Information Sheet

Exhibit B.....Citation for Knight Transportation, Inc.

Exhibit C.....Citation for Wayne E. Glenna

Exhibit D..... Request for Process

Exhibit E.....Return of Citation of Knight Transportation, Inc.

Exhibit F.....Return of Citation of Wayne E. Glenna

Defendants know of no orders signed by the state judge.

15. Pursuant to 28 U.S.C. 1446(d), written notice of the filing of this instrument will be given to Plaintiff. A true and correct copy of this Notice of Removal will also be attached as an exhibit with the written Notice of Removal filed with the clerk of the state court.

Respectfully submitted,

/s/ Roger D. Oppenheim

Roger D. Oppenheim

FBN: 14206

SBN: 15292400

OF COUNSEL:

LORANCE THOMPSON, P.C.

2900 North Loop West, Suite 500

Houston, TX 77092

713/868-5560

713/864-4671 (fax)

rdo@lorancethompson.com

ATTORNEY FOR DEFENDANTS

KNIGHT TRANSPORTATION, INC.

AND WAYNE E. GLENNA

CERTIFICATE OF SERVICE

I hereby certify that on this 31st day of January, 2019, a true and correct copy of the foregoing instrument was served by e-filing and/or facsimile to the following counsel of record:

Paul "Chip" Ferguson, Jr.

Ferguson Law Firm

350 Pine Street, Ste. 1440

Beaumont, TX 77701

cferguson@thefergusonlawfirm.com

/s/ Roger D. Oppenheim

Roger D. Oppenheim

**IN THE UNITED STATES DISTRICT COURT FOR THE
EASTERN DISTRICT OF TEXAS
BEAUMONT DIVISION**

PATRICIA WARE
Plaintiff

VS.

KNIGHT TRANSPORTATION, INC.
AND WAYNE E. GLENNA
Defendants

§
§
§
§
§
§
§
§

CIVIL ACTION NO. 1:19-cv-47

JURY REQUESTED

INDEX OF MATTERS BEING FILED

Defendants, KNIGHT TRANSPORTATION, INC. AND WAYNE E. GLENNA, in connection with the removal of this case to the United States District Court for the Eastern District of Texas, Beaumont Division, file their index of matters, as follows:

Exhibit A.....Plaintiff's Original Petition with Civil Case Information Sheet

Exhibit B.....Citation for Knight Transportation, Inc.

Exhibit C.....Citation for Wayne E. Glenna

Exhibit D..... Request for Process

Exhibit E.....Return of Citation of Knight Transportation, Inc.

Exhibit F.....Return of Citation of Wayne E. Glenna

Respectfully submitted,

/s/ Roger D. Oppenheim

Roger D. Oppenheim

FBN: 14206

SBN: 15292400

OF COUNSEL:

LORANCE THOMPSON, P.C.

2900 North Loop West, Suite 500

Houston, TX 77092

713/868-5560

713/864-4671 (fax)

rdo@lorancethompson.com

ATTORNEY FOR DEFENDANTS

KNIGHT TRANSPORTATION, INC

AND WAYNE E. GLENNA

CERTIFICATE OF SERVICE

I hereby certify that on this 31st day of January, 2019, a true and correct copy of the foregoing instrument was served by e-filing and/or facsimile to the following counsel of record:

Paul "Chip" Ferguson, Jr.

Ferguson Law Firm

350 Pine Street, Ste. 1440

Beaumont, TX 77701

cferguson@thefergusonlawfirm.com

/s/ Roger D. Oppenheim

Roger D. Oppenheim

CIVIL CASE INFORMATION SHEET

CAUSE NUMBER (FOR CLERK USE ONLY):

COURT (FOR CLERK USE ONLY):

PATRICIA WARE V. KNIGHT TRANSPORTATION INC. AND WAYNE E. GLENNA

STYLED

(e.g., John Smith v. All American Insurance Co; In re Mary Ann Jones; In the Matter of the Estate of George Jackson)

FILED
DISTRICT CLERK OF
JEFFERSON CO TEXAS
12/28/2018 10:00 AM
JAMIE SMITH
DISTRICT CLERK
E-203101

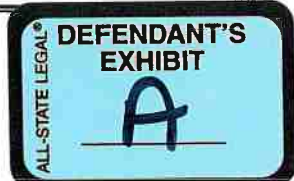
A civil case information sheet must be completed and submitted when an original petition or application is filed to initiate a new civil, family law, probate, or mental health case or when a post-judgment petition for modification or motion for enforcement is filed in a family law case. The information should be the best available at the time of filing. This sheet, approved by the Texas Judicial Council, is intended to collect information that will be used for statistical purposes only. It neither replaces nor supplements the filings or service of pleading or other documents as required by law or rule. The sheet does not constitute a discovery request, response, or supplementation, and it is not admissible at trial.

1. Contact information for person completing case information sheet: Name: Paul F "Chip" Ferguson, Jr. Email: cferguson@thefergusonlawfirm.com Address: 350 Pine Street City/State/Zip: Beaumont, Texas 77701 Telephone: 409.832.9700 Fax: 409.832.9708 State Bar No: 06919200 Signature: /s/ Paul F "Chip" Ferguson, Jr.		Names of parties in case: Plaintiff(s)/Petitioner(s): <u>Patricia Ware</u> Defendant(s)/Respondent(s): 1. <u>Knight Transportation, Inc.</u> 2. <u>Wayne E. Glenna</u>		Person or entity completing sheet is: <input checked="" type="checkbox"/> Attorney for Plaintiff/Petitioner <input type="checkbox"/> Pro Se Plaintiff/Petitioner <input type="checkbox"/> Title IV-D Agency <input type="checkbox"/> Other: _____ Additional Parties in Child Support Case: Custodial Parent: Non-Custodial Parent: Presumed Father:	
2. Indicate case type, or identify the most important issue in the case (select only 1):					
Civil			Family Law		
Contract <input type="checkbox"/> Debt/Contract <input type="checkbox"/> Consumer/DTPA <input type="checkbox"/> Debt/Contract <input type="checkbox"/> Fraud/Misrepresentation <input type="checkbox"/> Other Debt/Contract: Foreclosure <input type="checkbox"/> Home Equity—Expedited <input type="checkbox"/> Other Foreclosure <input type="checkbox"/> Franchise <input type="checkbox"/> Insurance <input type="checkbox"/> Landlord/Tenant <input type="checkbox"/> Non-Competition <input type="checkbox"/> Partnership <input type="checkbox"/> Other Contract:	Injury or Damage <input type="checkbox"/> Assault/Battery <input type="checkbox"/> Construction <input type="checkbox"/> Defamation Malpractice <input type="checkbox"/> Accounting <input type="checkbox"/> Legal <input type="checkbox"/> Medical <input type="checkbox"/> Other Professional Liability: <input checked="" type="checkbox"/> Motor Vehicle Accident <input type="checkbox"/> Premises Product Liability <input type="checkbox"/> Asbestos/Silica <input type="checkbox"/> Other Product Liability List Product: <input type="checkbox"/> Other Injury or Damage: Wrongful death	Real Property <input type="checkbox"/> Eminent Domain/Condemnation <input type="checkbox"/> Partition <input type="checkbox"/> Quiet Title <input type="checkbox"/> Trespass to Try Title <input type="checkbox"/> Other Property: Related to Criminal Matters <input type="checkbox"/> Expunction <input type="checkbox"/> Judgment Nisi <input type="checkbox"/> Non-Disclosure <input type="checkbox"/> Seizure/Forfeiture <input type="checkbox"/> Writ of Habeas Corpus—Pre-indictment <input type="checkbox"/> Other:	Marriage Relationship <input type="checkbox"/> Annulment <input type="checkbox"/> Declare Marriage Void Divorce <input type="checkbox"/> With Children <input type="checkbox"/> No Children Other Family Law <input type="checkbox"/> Enforce Foreign Judgment <input type="checkbox"/> Habeas Corpus <input type="checkbox"/> Name Change <input type="checkbox"/> Protective Order <input type="checkbox"/> Removal of Disabilities of Minority <input type="checkbox"/> Other:	Post-judgment Actions (non-Title IV-D) <input type="checkbox"/> Enforcement <input type="checkbox"/> Modification—Custody <input type="checkbox"/> Modification—Other Title IV-D <input type="checkbox"/> Enforcement/Modification <input type="checkbox"/> Paternity <input type="checkbox"/> Reciprocity (UIFSA) <input type="checkbox"/> Support Order Parent-Child Relationship <input type="checkbox"/> Adoption/Adoption with Termination <input type="checkbox"/> Child Protection <input type="checkbox"/> Child Support <input type="checkbox"/> Custody or Visitation <input type="checkbox"/> Gestational Parenting <input type="checkbox"/> Grandparent Access <input type="checkbox"/> Parentage/Paternity <input type="checkbox"/> Termination of Parental Rights <input type="checkbox"/> Other Parent-Child:	
Employment <input type="checkbox"/> Discrimination <input type="checkbox"/> Retaliation <input type="checkbox"/> Termination <input type="checkbox"/> Workers' Compensation <input type="checkbox"/> Other Employment:	Other Civil <input type="checkbox"/> Administrative Appeal <input type="checkbox"/> Antitrust/Unfair Competition <input type="checkbox"/> Code Violations <input type="checkbox"/> Foreign Judgment <input type="checkbox"/> Intellectual Property <input type="checkbox"/> Lawyer Discipline <input type="checkbox"/> Perpetuate Testimony <input type="checkbox"/> Securities/Stock <input type="checkbox"/> Tortious Interference <input type="checkbox"/> Other:				
Tax <input type="checkbox"/> Tax Appraisal <input type="checkbox"/> Tax Delinquency <input type="checkbox"/> Other Tax	Probate & Mental Health Probate/Wills/Intestate Administration <input type="checkbox"/> Dependent Administration <input type="checkbox"/> Independent Administration <input type="checkbox"/> Other Estate Proceedings <input type="checkbox"/> Guardianship—Adult <input type="checkbox"/> Guardianship—Minor <input type="checkbox"/> Mental Health <input type="checkbox"/> Other:				
3. Indicate procedure or remedy, if applicable (may select more than 1):					
<input type="checkbox"/> Appeal from Municipal or Justice Court <input type="checkbox"/> Arbitration-related <input type="checkbox"/> Attachment <input type="checkbox"/> Bill of Review <input type="checkbox"/> Certiorari <input type="checkbox"/> Class Action		<input type="checkbox"/> Declaratory Judgment <input type="checkbox"/> Garnishment <input type="checkbox"/> In Rem <input type="checkbox"/> License <input type="checkbox"/> Mandamus <input type="checkbox"/> Post-judgment		<input type="checkbox"/> Prejudgment Remedy <input type="checkbox"/> Protective Order <input type="checkbox"/> Receiver <input type="checkbox"/> Sequestration <input type="checkbox"/> Temporary Restraining Order/Injunction <input type="checkbox"/> Turnover	



I CERTIFY THIS IS A TRUE COPY
 Witness my Hand and Seal of Office
 January 28, 2019
 JAMIE SMITH, DISTRICT CLERK
 JEFFERSON COUNTY, TEXAS

Page 1 of 1



FILED
DISTRICT CLERK OF
JEFFERSON CO TEXAS
12/28/2018 10:00 AM
JAMIE SMITH
DISTRICT CLERK
E-203101

CAUSE NO. _____

PATRICIA WARE
Plaintiff,

V.

KNIGHT TRANSPORTATION,
INC. and WAYNE E. GLENNA,
Defendants

§
§
§
§
§
§
§

IN THE DISTRICT COURT OF

JEFFERSON COUNTY, TEXAS

_____ DISTRICT COURT

PLAINTIFF'S ORIGINAL PETITION

TO THE HONORABLE JUDGE OF SAID COURT:

COMES NOW, **PATRICIA WARE**, Plaintiff, complaining of and about **KNIGHT TRANSPORTATION, INC. and WAYNE E. GLENNA**, Defendants, and for cause of action would respectfully show the Court the following:

1. DISCOVERY CONTROL PLAN

Discovery is intended to be conducted under Level 3 of Texas Rules of Civil Procedure, 190.

2. PARTIES

Plaintiff was, at all times material, a resident citizen of the State of Texas.

Defendant **KNIGHT TRANSPORTATION, INC.** ("Knight Transportation") is a foreign corporation authorized to do business in the State of Texas and, further, does business in the State of Texas and in Jefferson County, Texas. This defendant's counsel has agreed to accept service and this pleading is being served on Mr. Roger D. Oppenheim by certified mail with return receipt requested at 2900 North Loop West, 5th Floor, Houston, Harris County, Texas 77092 and electronically to rdo@lorancethompson.com.



I CERTIFY THIS IS A TRUE COPY
Witness my Hand and Seal of Office

January 28, 2019

JAMIE SMITH, DISTRICT CLERK
JEFFERSON COUNTY, TEXAS

Jamie Smith Page 1 of 10

Defendant **WAYNE E. GLENN** ("Glenna") may be served by serving his attorney. This defendant's counsel has agreed to accept service and this pleading is being served on Mr. Roger D. Oppenheim by certified mail with return receipt requested at 2900 North Loop West, 5th Floor, Houston, Harris County, Texas 77092 and electronically to rdo@lorancethompson.com.

3. JURISDICTION AND VENUE

This is a personal injury suit resulting from a motor vehicle accident. Both jurisdiction and venue are proper in this cause. Plaintiff seeks damages that are within the jurisdictional limits of the Court as she is seeking monetary relief over \$1,000,000. Plaintiff reserves the right to amend their petition during and/or after the discovery process. Venue is likewise proper in this county pursuant to Tex. Civ. Prac. & Rem. Code §15.001 et seq. and related venue provisions. In particular, the incident made the basis of this lawsuit occurred in Jefferson County, Texas.

4. FACTS

On March 12, 2017, Plaintiff **PATRICIA WARE** was the victim of a motor vehicle crash that occurred in Beaumont, Jefferson County, Texas when a tractor-trailer unit being driven by Defendant **GLENN** crashed into Plaintiff's vehicle. At all times material, Defendant **GLENN** was acting in the course and scope his employment with Defendant **KNIGHT TRANSPORTATION**. This crash was brought about to occur and was proximately caused by the negligence, direct and vicarious, of Defendants **KNIGHT TRANSPORTATION** and **WAYNE E. GLENN**.

5. NEGLIGENCE OF GLENN

Plaintiff would show that Defendant **GLENN** was negligent in multiple and many ways, including the following.



I CERTIFY THIS IS A TRUE COPY
Witness my Hand and Seal of Office

January 28, 2019

JAMIE SMITH, DISTRICT CLERK
JEFFERSON COUNTY, TEXAS

Jamie Smith
Page 2 of 10

- (1) In failing to exercise ordinary care in the control and operation of the vehicle he was driving;
- (2) In driving in a manner that was unsafe for the conditions present on the roadway;
- (3) In driving in a reckless, careless, unsafe and/or hazardous manner;
- (4) In driving at a rate of speed greater than what a person of ordinary care would have driven under the same or similar circumstances;
- (5) In failing to maintain a rate of speed as would have been maintained by a person of ordinary care would have driven under the same or similar circumstances;
- (6) In failing to control the speed of the vehicle he was operating and as necessary to avoid colliding with another vehicle that was upon the roadway;
- (7) In failing to reduce speed greater as would have been made by a person of ordinary care under the same or similar circumstances;
- (8) In failing to take timely and/or proper evasive action as would have been made by a person of ordinary care under the same or similar circumstances;
- (9) In failing to make a timely and/or proper application of the brakes as would have been made by a person of ordinary care under the same or similar circumstances;
- (10) In failing to exercise a proper and/or safe lookout as would have been done by a person of ordinary care under the same or similar circumstances;
- (11) In operating a vehicle, and particularly a commercial motor vehicle, at a time when **GLENNA** was distracted;
- (12) In operating a vehicle, and particularly a commercial motor vehicle, at a time when **GLENNA** was physically and/or mental unable to do so in a safe and prudent manner;
- (13) In failing to properly and safely inspect and/or maintain the vehicle he was operating; and



I CERTIFY THIS IS A TRUE COPY
Witness my Hand and Seal of Office

January 28, 2019

JAMIE SMITH, DISTRICT CLERK
JEFFERSON COUNTY, TEXAS

Jamie Smith
Page 3 of 10

(14) In violating state and federal law, including (but not limited to) the rules and regulations of the United States Department of Transportation and/or National Motor Carrier Safety Administration so as to make this defendant negligent *per se*.

The acts of negligence as set out above were a proximate cause of the collision made the basis of this lawsuit. Plaintiff reserves her their right to amend these allegations as further facts, investigation and discovery may warrant.

6. VICARIOUS LIABILITY OF KNIGHT TRANSPORTATION

Defendant **KNIGHT TRANSPORTATION** is vicariously liable for the negligence of Defendant **GLENNA** under the theory *respondeat superior* as, at all times material, **GLENNA** was employed by Defendant **KNIGHT TRANSPORTATION** and was acting within the course and scope of said employment, and in the furtherance of said Defendant's business, at the time of the collision made the basis of this lawsuit. Pleading further, Plaintiff would show that, at all times material, Defendant **GLENNA** was the '*statutory employee*' of Defendant **KNIGHT TRANSPORTATION** as that term is used and applied by the Federal Motor Carrier Safety Regulations.

7. DIRECT LIABILITY OF KNIGHT TRANSPORTATION

Defendant **KNIGHT TRANSPORTATION** is directly and independently liable to Plaintiff for its' own negligent acts and omissions as committed by it and their agents, employees, servants and representatives. This defendant owed specific duties to Plaintiff as well as the users of the public roads and highways, said duties existing and created by common law, statutory law and regulatory laws, rules and regulations. Defendant **KNIGHT TRANSPORTATION** breached these duties and are thus negligent in multiple ways including (but not limited to) the following:



I CERTIFY THIS IS A TRUE COPY
Witness my Hand and Seal of Office

January 28, 2019

JAMIE SMITH, DISTRICT CLERK
JEFFERSON COUNTY, TEXAS

Jamie Smith
Page 4 of 10

- (1) In failing to exercise ordinary care in the screening, interviewing, vetting and hiring of Defendant **GLENNA**;
- (2) In failing to exercise ordinary care in the performance and/or execution of a background check on Defendant **GLENNA**;
- (3) In failing to exercise ordinary care in this Defendant's qualification of Defendant **GLENNA** as a driver and operator of a commercial motor vehicle;
- (4) In failing to comply with the applicable state laws as well as the rules and regulations of the Federal Motor Carrier Safety Administration in the hiring and qualification of Defendant **GLENNA** as a driver of a commercial motor vehicle;
- (5) In failing to exercise ordinary in the training of Defendant **GLENNA** including but not limited to training Defendant **GLENNA** to be a safe, careful and prudent driver of a commercial motor vehicle;
- (6) In failing to exercise ordinary care in the monitoring and supervision of the activities of Defendant **GLENNA**;
- (7) In failing to comply with the applicable state laws as well as the rules and regulations of the Federal Motor Carrier Safety Administration training, monitoring and supervision of Defendant **GLENNA** as a driver and operator of a commercial motor vehicle;
- (8) In failing to exercise ordinary care in maintaining, servicing, repairing and inspecting the vehicle that Defendant **GLENNA** was operating at the time of the collision made the basis of this lawsuit;
- (9) In failing to comply with, or require compliance with, the applicable state laws as well as the rules and regulations of the Federal Motor Carrier Safety Administration regarding the maintaining, servicing, repairing and inspecting of commercial motor vehicles such as (and



I CERTIFY THIS IS A TRUE COPY
Witness my Hand and Seal of Office

January 28, 2019

JAMIE SMITH, DISTRICT CLERK
JEFFERSON COUNTY, TEXAS

Jamie Smith Page 5 of 10

including) the one being driven by Defendant **GLENNA** at the time of the collision made the basis of this lawsuit;

- (10) In failing to exercise ordinary care to prevent Defendant **GLENNA** from operating a commercial motor vehicle at a time or under circumstances where Defendant **GLENNA** was physically and/or mentally unable to safely drive and operate a commercial motor vehicle;
- (11) In failing to comply with the applicable state laws as well as the rules and regulations of the Federal Motor Carrier Safety Administration regarding Defendant **GLENNA's** physical and/or mental condition or ability to drive a commercial motor vehicle;
- (12) In allowing Defendant **GLENNA** to operate a commercial motor vehicle at a time or under circumstances when Defendant **KNIGHT TRANSPORTATION** knew, or in the exercise of ordinary care should have known, that Defendant **GLENNA** was unable to safely drive and operate a commercial motor vehicle;
- (13) In failing to comply with the applicable state laws as well as the rules and regulations of the Federal Motor Carrier Safety Administration by allowing or requiring Defendant **GLENNA** a commercial motor vehicle at a time or under circumstances when Defendant **KNIGHT TRANSPORTATION** knew, or should have known, that Defendant **GLENNA** was unable to safely drive and operate a commercial motor vehicle; and
- (14) To the extent not already included in these allegations, Plaintiff invokes the legal doctrine of negligent entrustment. In this regard, Plaintiff would show that (a) the commercial motor vehicle being operated by Defendant **GLENNA** at the time of the collision in question was owned or otherwise under the control of Defendant **KNIGHT TRANSPORTATION**, (b) Defendant **GLENNA** was a reckless and/or incompetent



I CERTIFY THIS IS A TRUE COPY
Witness my Hand and Seal of Office

January 28, 2019

JAMIE SMITH, DISTRICT CLERK
JEFFERSON COUNTY, TEXAS

Jamie Smith Page 6 of 10

driver and was otherwise unfit and/or unqualified to drive and operate the vehicle in question, and (c) Defendant **KNIGHT TRANSPORTATION** knew, or in the exercise of ordinary care should have known, of such recklessness, incompetence, unfitness and/or lack of qualification.

The acts of negligence as set out above were a proximate cause of the collision made the basis of this lawsuit. Plaintiff reserves their right to amend these allegations as further facts, investigation and discovery may warrant.

8. DEFENDANTS' CONDUCT JUSTIFIES AND REQUIRES IMPOSITION OF PUNITIVE AND/OR EXEMPLARY DAMAGES

The above-stated facts that set forth the Defendants' acts and omissions constitute more than ordinary negligence. They are of such a nature so as to constitute gross negligence and to further and otherwise justify and require the imposition of punitive and exemplary damages over and against Defendants. Plaintiff hereby sues for the recovery of such damages.

9. PLAINTIFF'S DAMAGES

As a result of the collision made the basis of this lawsuit, Plaintiff **PATRICIA WARE** suffered severe, significant, disabling and life-altering personal injuries, damages and losses. As such, he is entitled to recover and hereby sues for the recovery of the following elements of damages:

- (1) Reasonable and necessary medical and other health care-related expenses sustained in the past and which, in reasonable probability, she will sustain in the future:
- (2) Loss and/or impairment of earnings and/or earning capacity sustained in the past and which, in reasonable probability, she will sustain in the future;
- (3) Physical pain sustained in the past and which, in reasonable probability, she will sustain in



I CERTIFY THIS IS A TRUE COPY
Witness my Hand and Seal of Office

January 28, 2019

JAMIE SMITH, DISTRICT CLERK
JEFFERSON COUNTY, TEXAS

Jamie Smith Page 7 of 10

- (4) Mental anguish and emotional distress sustained in the past and which, in reasonable probability, she will sustain in the future;
- (5) Physical impairment sustained in the past and which, in reasonable probability, she will sustain in the future;
- (6) Physical disfigurement sustained in the past and which, in reasonable probability, she will sustain in the future;
- (7) Loss and/or impairment of his enjoyment of life sustained in the past and which, in reasonable probability, she will sustain in the future;

Plaintiff would show that all of the above-stated damages, injuries and losses were brought to occur, and were legally and proximately caused, by the negligence of Defendants.

10. PRE- AND POST JUDGMENT INTEREST

Plaintiff further seeks the recovery of all interest allowed at law, including pre-judgment and post-judgment interest.

11. CONDITIONS PRECEDENT

Plaintiff would show that all conditions precedent to the maintenance of this action have been met and satisfied.

12. RIGHT TO AMEND

Furthermore, Plaintiff would state that because of the complex nature of accident and collision, and because without first conducting some discovery in this suit, Plaintiff cannot discover the identities of additional, responsible parties and/or additional witnesses, or reasonably discover information that will form the basis for additional, appropriate claims and causes of action that may properly be asserted in this suit, Plaintiff reserves the right to amend her pleading to join



I CERTIFY THIS IS A TRUE COPY
Witness my Hand and Seal of Office

January 28, 2019

JAMIE SMITH, DISTRICT CLERK
JEFFERSON COUNTY, TEXAS

Jamie Smith Page 8 of 10

and/or omit parties as appropriate and to assert additional or different claims, allegations, causes of action, and grounds for recovery.

13. SELF-AUTHENTICATION

Pursuant to Rule 193.7 of the TEXAS RULES OF CIVIL PROCEDURE, this is the "actual" written notice that all documents produced in this litigation shall be used by the Plaintiff at pretrial proceedings and trial. Hence, all documents produced in this litigation are deemed self-authenticating for use in any pretrial proceeding or at trial; and any objections thereto by the Defendants shall be in writing or placed on the record, giving Plaintiff a reasonable opportunity to establish the challenged document's authenticity.

14. REQUEST FOR DISCLOSURE

Pursuant to Rule 194 of the Texas Rules of Civil Procedure, Defendants are requested to disclose the information and material described in Rule 194.2 within fifty (50) days of the service of this Plaintiff's Request for Disclosure to Defendants.

PRAYER

WHEREFORE, PREMISES CONSIDERED, Plaintiff prays that upon trial hereof, Plaintiff have and recover such sums as would reasonably and justly compensate them, in accordance with the rules of law and procedure as to actual damages, exemplary damages, and court costs. In addition, Plaintiff requests the award of attorneys' fees for the trial and any appeal of this case, for all costs of Court on her behalf expended, for pre-judgment and post-judgment interest as allowed by law, and for any other and further relief, either at law or in equity, to which they may show themselves justly entitled.



I CERTIFY THIS IS A TRUE COPY
Witness my Hand and Seal of Office

January 28, 2019

JAMIE SMITH, DISTRICT CLERK
JEFFERSON COUNTY, TEXAS

Jamie Smith Page 9 of 10

Respectfully submitted,

THE FERGUSON LAW FIRM, LLP

350 Pine Street, Suite 1440

Beaumont, Texas 77701

(409) 832-9700 phone

(409) 832-9708 fax

By: s/ Paul F. "Chip" Ferguson, Jr.
Paul F. Ferguson, Jr.
State Bar No. 06919200

ATTORNEY FOR PLAINTIFF



I CERTIFY THIS IS A TRUE COPY
Witness my Hand and Seal of Office

January 28, 2019

JAMIE SMITH, DISTRICT CLERK
JEFFERSON COUNTY, TEXAS

Jamie Smith Page 10 of 10

RECEIPT FOR: FEES

E-FILING

Cause No: E-0203101

Date: 12/28/18

Receipt No: 436059

Style: PATRICIA WARE

vs KNIGHT TRANSPORTATION INC ET AL

Paid By: FERGUSON, PAUL F JR

P

Amt Paid: 443.00 EFILE029998277-0 Bal Due:

10.00	RECORDS MANAGEMENT	10.00	COURT RECORD PRESERVATIO
10.00	RECORDS ARCHIVE FEE	5.00	SECURITY OF COURTS AND J
50.00	COUNTY FILING FEE	20.00	COPIES
50.00	STATE FILING FEE		
10.00	LIBRARY FEE		
15.00	MEDIATION CENTER FEE		
15.00	STENO		
5.00	SECURITY FEE		
10.00	INDIGENT FEE		
42.00	JUDICIAL SUPPORT		
5.00	APPELLATE JUDICIAL SYSTE		
30.00	ELECTRONIC FILING FEE		

JAMIE SMITH, CLERK DISTRICT COURTS
Jefferson County, Texas

By: _____

ODBC

Deputy



I CERTIFY THIS IS A TRUE COPY
Witness my Hand and Seal of Office

January 28, 2019

JAMIE SMITH, DISTRICT CLERK
JEFFERSON COUNTY, TEXAS

Jamie Smith
Page 1 of 1



Citation by Mailing

THE STATE OF TEXAS

No. E-0203101

PATRICIA WARE
VS. KNIGHT TRANSPORTATION INC ET AL

CITATION BY MAILING

**172nd JUDICIAL DISTRICT COURT
of JEFFERSON COUNTY, TEXAS**

To: **KNIGHT TRANSPORTATION INC**
BY SERVING ITS REGISTERED AGENT ROGER D OPPENHEIM

by serving at:
2900 NORTH LOOP WEST
5TH FLOOR
HOUSTON, TX 77092 0000

DEFENDANT:

NOTICE:

You have been sued. You may employ an attorney. If you or your attorney do not file a written answer with the clerk who issued this citation by 10:00 a.m. on the Monday next following the expiration of twenty days after you were served this citation and petition, a default judgment may be taken against you. Said answer may be filed by mailing same to: District Clerk's Office, 1085 Pearl, Room 203, Beaumont, TX 77701, (or if the case is designated as an E-file case, E-file through Lexis Nexis file and serve) or by bringing it to the office. The case is presently pending before the 172nd District Court of Jefferson County sitting in Beaumont, Texas, and was filed on the 28th day of December, 2018. It bears cause number E-0203101 and is styled:

Plaintiff:

PATRICIA WARE

VS.

KNIGHT TRANSPORTATION INC ET AL

Defendant:

The name and address of the attorney for plaintiff (or plaintiff, if pro se) is:

FERGUSON, PAUL F JR, Atty.
350 PINE SUITE 1440
BEAUMONT, TX 77701 0

The nature of the demands of said plaintiff is shown by a true and correct copy of Plaintiff's PETITION (PLAINTIFF'S ORIGINAL) ATTACHED LETTER DESIGNATING ALL CASES EFILE accompanying this citation and made a part thereof.

Issued under my hand and the seal of said court, at Beaumont, Texas, this the 2nd day of January, 2019.

JAMIE SMITH, DISTRICT CLERK
JEFFERSON COUNTY, TEXAS

BY

Valencia Simpson

Deputy

Valencia

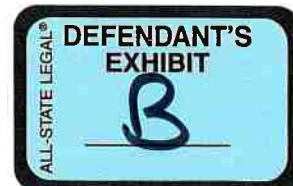


I CERTIFY THIS IS A TRUE COPY
Witness my Hand and Seal of Office

January 28, 2019

JAMIE SMITH, DISTRICT CLERK
JEFFERSON COUNTY, TEXAS

Jamie Smith Page 1 of 2



RETURN OF SERVICE

E-0203101

172nd JUDICIAL DISTRICT COURT

PATRICIA WARE

KNIGHT TRANSPORTATION INC ET AL

Executed when copy was delivered:

This is a true copy of the original citation, was delivered to defendant _____, on the _____ day of _____, 20____.

_____, Officer

_____, County, Texas

By: _____, Deputy

ADDRESS FOR SERVICE:

KNIGHT TRANSPORTATION INC

BY SERVING ITS REGISTERED AGENT ROGER D OPPENHEIM

2900 NORTH LOOP WEST

5TH FLOOR

HOUSTON, TX 77092 0000

OFFICER'S RETURN

Came to hand on the _____ day of _____, 20____, at _____, o'clock ____m., and executed in _____, County, Texas by delivering to each of the within named defendants in person, a true copy of this Citation with the date of delivery endorsed thereon, together with the accompanying copy of the Citation by Mailing at the following times and places, to-wit:

Name**Date/Time****Place, Course and Distance from Courthouse**

And not executed as to the defendant(s), _____

The diligence used in finding said defendant(s) being: _____

and the cause or failure to execute this process is: _____

and the information received as to the whereabouts of said defendant(s) being: _____

FEES:

Serving Petition and Copy \$ _____

Total \$ _____

_____, Officer

_____, County, Texas

By: _____, Deputy

Affiant

COMPLETE IF YOU ARE A PERSON OTHER THAN A SHERIFF, CONSTABLE, OR CLERK OF THE COURT.

In accordance with Rule 107: The officer or authorized person who serves, or attempts to serve, a citation shall sign and return. The signature is not required to be verified. If the return is signed by a person other than a sheriff, constable or the clerk of the court, the return shall be signed under penalty of perjury and contain the following statement:

"My name is _____, my date of birth is _____, and my address is _____
(First, Middle, Last)

(Street, City, Zip)

I DECLARE UNDER PENALTY OF PERJURY THAT THE FORGOING IS TRUE AND CORRECT.

Executed in _____, County, State of _____, on the _____ day of _____.



I CERTIFY THIS IS A TRUE COPY
Witness my Hand and Seal of Office

January 28, 2019

JAMIE SMITH, DISTRICT CLERK
JEFFERSON COUNTY, TEXAS

Jamie Smith
Page 2 of 2

Declarant/Authorized Process Server

(Id # expiration of certification)



C0203101--00007

Citation by Mailing

THE STATE OF TEXAS

No. E-0203101

PATRICIA WARE
VS. KNIGHT TRANSPORTATION INC ET AL

CITATION BY MAILING

**172nd JUDICIAL DISTRICT COURT
of JEFFERSON COUNTY, TEXAS**

To: **GLENNA, WAYNE E**
BY SERVING ITS REGISTERED AGENT ROGER D OPPENHEIM

by serving at:
2900 NORTH LOOP WEST
5TH FLOOR
HOUSTON, TX 77092 0000

DEFENDANT:**NOTICE:**

You have been sued. You may employ an attorney. If you or your attorney do not file a written answer with the clerk who issued this citation by 10:00 a.m. on the Monday next following the expiration of twenty days after you were served this citation and petition, a default judgment may be taken against you. Said answer may be filed by mailing same to: District Clerk's Office, 1085 Pearl, Room 203, Beaumont, TX 77701, (or if the case is designated as an E-file case, E-file through Lexis Nexis file and serve) or by bringing it to the office. The case is presently pending before the 172nd District Court of Jefferson County sitting in Beaumont, Texas, and was filed on the 28th day of December, 2018. It bears cause number E-0203101 and is styled:

PATRICIA WARE
VS.
KNIGHT TRANSPORTATION INC ET AL

Plaintiff:

Defendant:

The name and address of the attorney for plaintiff (or plaintiff, if pro se) is:

FERGUSON, PAUL F JR, Atty.
350 PINE SUITE 1440
BEAUMONT, TX 77701 0

The nature of the demands of said plaintiff is shown by a true and correct copy of Plaintiff's PETITION (PLAINTIFF'S ORIGINAL) **ATTACHED LETTER DESIGNATING ALL CASES EFILE** accompanying this citation and made a part thereof.

Issued under my hand and the seal of said court, at Beaumont, Texas, this the 2nd day of January, 2019.

JAMIE SMITH, DISTRICT CLERK
JEFFERSON COUNTY, TEXAS



I CERTIFY THIS IS A TRUE COPY
Witness my Hand and Seal of Office

January 28, 2019

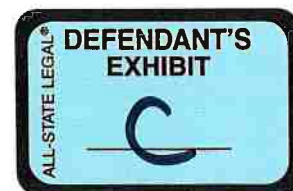
JAMIE SMITH, DISTRICT CLERK
JEFFERSON COUNTY, TEXAS

Jamie Smith Page 1 of 2

BY

Deputy

Valencia



RETURN OF SERVICE

E-0203101

172nd JUDICIAL DISTRICT COURT

PATRICIA WARE

KNIGHT TRANSPORTATION INC ET AL

Executed when copy was delivered:

This is a true copy of the original citation, was delivered to defendant _____, on the _____ day of _____, 20____.

_____, Officer
_____, County, Texas
By: _____, DeputyADDRESS FOR SERVICE:GLENNA, WAYNE E
BY SERVING ITS REGISTERED AGENT ROGER D OPPENHEIM
2900 NORTH LOOP WEST
5TH FLOOR
HOUSTON, TX 77092 0000OFFICER'S RETURN

Came to hand on the _____ day of _____, 20____, at _____, o'clock ____m., and executed in _____, County, Texas by delivering to each of the within named defendants in person, a true copy of this Citation with the date of delivery endorsed thereon, together with the accompanying copy of the Citation by Mailing at the following times and places, to-wit:

Name	Date/Time	Place, Course and Distance from Courthouse
_____	_____	_____

And not executed as to the defendant(s), _____

The diligence used in finding said defendant(s) being:

_____ and the cause or failure to execute this process is:

_____ and the information received as to the whereabouts of said defendant(s) being:

FEES:

Serving Petition and Copy \$ _____

Total \$ _____

_____, Officer
_____, County, Texas
By: _____, Deputy

Affiant

COMPLETE IF YOU ARE A PERSON OTHER THAN A SHERIFF, CONSTABLE, OR CLERK OF THE COURT.

In accordance with Rule 107: The officer of authorized person who serves, or attempts to serve, a citation shall sign and return. The signature is not required to be verified. If the return is signed by a person other than a sheriff, constable or the clerk of the court, the return shall be signed under penalty of perjury and contain the following statement:

"My name is _____, my date of birth is _____, and my address is _____
(First, Middle, Last)

(Street, City, Zip)

I DECLARE UNDER PENALTY OF PERJURY THAT THE FORGOING IS TRUE AND CORRECT.

Executed in _____, County, State of _____, on the _____ day of _____.

I CERTIFY THIS IS A TRUE COPY
Witness my Hand and Seal of Office

January 28, 2019

JAMIE SMITH, DISTRICT CLERK
JEFFERSON COUNTY, TEXAS

Page 2 of 2

Declarant/Authorized Process Server_____
(Id # expiration of certification)



JAMIE SMITH
JEFFERSON COUNTY DISTRICT CLERK
1085 PEARL STREET, ROOM 203, BEAUMONT, TX 77705-1031

FILED
DISTRICT CLERK OF
JEFFERSON CO TEXAS
12/28/2018 10:00 AM
JAMIE SMITH
DISTRICT CLERK
6-103101

REQUEST FOR PROCESS

All sections must be completed for processing this request.

Section 1:

Cause No.

Date December 28, 2018

Style:

PATRICIA WARE

Vs.

KNIGHT TRANSPORTATION, INC. and WAYNE E. GLENNA

Section 2:

Check Process Type:

- ☒ Citation ☐ Precept to Serve / Notice of Hearing/Notice to Show Cause
☐ Temporary Restraining Order
☐ Application for Protective Order / Temporary (Ex Parte) Protective Order
☐ Notice of Registration of Foreign Judgment ☐ Citation by Posting
☐ Writ of _____ ☐ Other _____
☐ Citation by Publication*- Newspaper: _____

☐ Check box if you would like the District Clerk's Office to make copies for your service. (\$1.00 per page per pleading for copies for service)

Section 3:

Title of Document/Pleading to be attached for service: PLAINTIFF'S ORIGINAL PETITION

Note: You must furnish one copy of the document/pleading for each party served.

Section 4: PARTIES TO BE SERVED (Please type or print):

1. 1. Name: KNIGHT TRANSPORTATION, INC – By Serving Roger D. Oppenheim

Address: 2900 North Loop West, 5th Floor

City: Houston State: Texas Zip: 77092

2. Name: WAYNE E. GLENNA – By Serving Roger D. Oppenheim

Address: 2900 North Loop West, 5th Floor

City: Houston State: Texas Zip: 77092



I CERTIFY THIS IS A TRUE COPY
Witness my Hand and Seal of Office

January 28, 2019

JAMIE SMITH, DISTRICT CLERK
JEFFERSON COUNTY, TEXAS

Jamie Smith Page 1 of 2



3. Name: _____
Address: _____
City: _____ State: _____ Zip: _____
4. Name: _____
Address: _____
City: _____ State: _____ Zip: _____
5. Name: _____
Address: _____
City: _____ State: _____ Zip: _____

Section 5

Check Service Type:

- | | |
|--|---|
| <input type="checkbox"/> No Service | <input type="checkbox"/> Secretary of State |
| <input type="checkbox"/> Sheriff | <input type="checkbox"/> Commissioner of Insurance |
| <input type="checkbox"/> Constable Pct. | <input type="checkbox"/> Out of County |
| <input type="checkbox"/> Out of State | <input type="checkbox"/> Private Process <input type="checkbox"/> Other |
| <input checked="" type="checkbox"/> Certified Mail | |

Section 6 (ONLY if Section 7 does not apply)

Attorney Name: Paul F. "Chip" Ferguson, Jr., Ferguson Law Firm

Address: 350 Pine Street, Suite 1440, Beaumont, Texas 77701

Attorney's Telephone No.: (409) 832-9700

Attorney's Bar No.: 06919200

Section 7 (ONLY if Section 6 does not apply)

Pro-Se Name: _____

Address: _____

City State Zip

Telephone No. _____

Section 8

Check Delivery Type:

- ☐ Hold for pick up ☐ Mail to Attorney



I CERTIFY THIS IS A TRUE COPY
Witness my Hand and Seal of Office

January 28, 2019

JAMIE SMITH, DISTRICT CLERK
JEFFERSON COUNTY, TEXAS

Jamie Smith Page 2 of 2



Citation by Mailing

THE STATE OF TEXAS

No. E-0203101

PATRICIA WARE
VS. KNIGHT TRANSPORTATION INC ET AL

CITATION BY MAILING

**172nd JUDICIAL DISTRICT COURT
of JEFFERSON COUNTY, TEXAS**

To: KNIGHT TRANSPORTATION INC
BY SERVING ITS REGISTERED AGENT ROGER D OPPENHEIM

by serving at:
2900 NORTH LOOP WEST
5TH FLOOR
HOUSTON, TX 77092 0000

DEFENDANT:**NOTICE:**

You have been sued. You may employ an attorney. If you or your attorney do not file a written answer with the clerk who issued this citation by 10:00 a.m. on the Monday next following the expiration of twenty days after you were served this citation and petition, a default judgment may be taken against you. Said answer may be filed by mailing same to: District Clerk's Office, 1085 Pearl, Room 203, Beaumont, TX 77701, (or if the case is designated as an E-file case, E-file through Lexis Nexis file and serve) or by bringing it to the office. The case is presently pending before the 172nd District Court of Jefferson County sitting in Beaumont, Texas, and was filed on the 28th day of December, 2018. It bears cause number E-0203101 and is styled:

PATRICIA WARE
VS.
KNIGHT TRANSPORTATION INC ET AL

Plaintiff:

Defendant:

The name and address of the attorney for plaintiff (or plaintiff, if pro se) is:

FERGUSON, PAUL F JR, Atty.
350 PINE SUITE 1440
BEAUMONT, TX 77701-0

The nature of the demands of said plaintiff is shown by a true and correct copy of Plaintiff's PETITION (PLAINTIFF'S ORIGINAL) ATTACHED LETTER DESIGNATING ALL CASES EFILE accompanying this citation and made a part thereof.

Issued under my hand and the seal of said court, at Beaumont, Texas, this the 2nd day of January, 2019.

JAMIE SMITH-DISTRICT CLERK
JEFFERSON COUNTY, TEXAS

BY *Valencia Simpson* Deputy



I CERTIFY THIS IS A TRUE COPY
Witness my Hand and Seal of Office

January 28, 2019

JAMIE SMITH, DISTRICT CLERK
JEFFERSON COUNTY, TEXAS

Jamie Smith Page 1 of 4

Valencia



RETURN OF SERVICE

E-0203101

172nd JUDICIAL DISTRICT COURT

PATRICIA WARE

KNIGHT TRANSPORTATION INC ET AL

Executed when copy was delivered:

This is a true copy of the original citation, was delivered to defendant Knight Transportation INC. on the 9th day of Jan, 2019._____, Officer
_____, County, Texas
By: _____, DeputyADDRESS FOR SERVICE:KNIGHT TRANSPORTATION INC
BY SERVING ITS REGISTERED AGENT ROGER D OPPENHEIM
2900 NORTH LOOP WEST
5TH FLOOR
HOUSTON, TX 77092 0000OFFICER'S RETURNCame to hand on the 11th day of January, 2019, at 12:00 o'clock P.m., and executed in Jefferson County, Texas by delivering to each of the within named defendants in person, a true copy of this Citation with the date of delivery endorsed thereon, together with the accompanying copy of the Citation by Mailing at the following times and places, to-wit:

Name	Date/Time	Place, Course and Distance from Courthouse
<u>Knight Transportation INC.</u>	<u>1/9/19</u>	<u>2900 N. Loop West 5th floor Houston, TX 77092</u>

And not executed as to the defendant(s), _____

The diligence used in finding said defendant(s) being:

Certified Mail

and the cause or failure to execute this process is: _____

and the information received as to the whereabouts of said defendant(s) being: _____

FEES:Serving Petition and Copy \$ 70

Total \$ _____

Jamie Smith, Officer
_____, County, TexasBy: D. Fontenot, Deputy

Affiant

COMPLETE IF YOU ARE A PERSON OTHER THAN A SHERIFF, CONSTABLE, OR CLERK OF THE COURT.

In accordance with Rule 107: The officer or authorized person who serves, or attempts to serve, a citation shall sign and return. The signature is not required to be verified. If the return is signed by a person other than a sheriff, constable or the clerk of the court, the return shall be signed under penalty of perjury and contain the following statement:

"My name is _____, my date of birth is _____, and my address is _____
(First, Middle, Last)

(Street, City, Zip)

I DECLARE UNDER PENALTY OF PERJURY THAT THE FORGOING IS TRUE AND CORRECT.

Executed in _____, County, State of _____, on the _____ day of _____.

I CERTIFY THIS IS A TRUE COPY
Witness my Hand and Seal of Office

January 28, 2019

JAMIE SMITH, DISTRICT CLERK
JEFFERSON COUNTY, TEXASJamie Smith Page 2 of 4

Declarant/Authorized Process Server

(Id # expiration of certification)

JAMIE SMITH
DISTRICT CLERK'S OFFICE
1085 PEARL ST RM 203
BEAUMONT, TX 77701-3545



9214 8901 0661 5400 0132 2997 05

RETURN RECEIPT (ELECTRONIC)

KNIGHT TRANSPORATATION INC
BY SERVING ITS REGISTERED AGENT ROGER D
OPPENHEIM
2900 NORTH LOOP W STE 5
HOUSTON, TX 77092-8868

CUT / FOLD HERE

8"X9" ENVELOPE
CUT / FOLD HERE

CUT / FOLD HERE



I CERTIFY THIS IS A TRUE COPY
Witness my Hand and Seal of Office

January 28, 2019

JAMIE SMITH, DISTRICT CLERK
JEFFERSON COUNTY, TEXAS

Jamie Smith Page 3 of 4

FILED
at 12:00 o'clock P M

JAN 11 2019

JAMIE SMITH, DISTRICT CLERK
Jefferson County, Texas

BY D. Fontenot DEPUTY



January 10, 2019

Dear MAIL MAIL:

The following is in response to your request for proof of delivery on your item with the tracking number:
9214 8901 0661 5400 0132 2997 05.

Item Details

Status: Delivered, Left with Individual
Status Date / Time: January 9, 2019, 12:45 pm
Location: HOUSTON, TX 77092
Postal Product: First-Class Mail®
Extra Services: Certified Mail™
Return Receipt Electronic
Recipient Name: KNIGHT TRANSPORTATION INC

Shipment Details

Recipient Signature

Signature of Recipient:

John Proz

Address of Recipient:

*2900 NW
#500*

Note: Scanned image may reflect a different destination address due to Intended Recipient's delivery instructions on file.

Thank you for selecting the United States Postal Service® for your mailing needs. If you require additional assistance, please contact your local Post Office™ or a Postal representative at 1-800-222-1811.

Sincerely,
United States Postal Service®
475 L'Enfant Plaza SW
Washington, D.C. 20260-0004

The customer reference information shown below is not validated or endorsed by the United States Postal Service. It is solely for customer use.

Reference ID: 92148901066154000132299705

KNIGHT TRANSPORTATION INC
BY SERVING ITS REGISTERED AGENT ROGER D OPPENHEIM
2900 North Loop W Ste 5
Houston, TX 77092-8868



I CERTIFY THIS IS A TRUE COPY
Witness my Hand and Seal of Office

January 28, 2019

JAMIE SMITH, DISTRICT CLERK
JEFFERSON COUNTY, TEXAS

Jamie Smith
Page 4 of 4



C0203101--00007

Citation by Mailing

THE STATE OF TEXAS

No. E-0203101

PATRICIA WARE
VS. KNIGHT TRANSPORTATION INC ET AL

CITATION BY MAILING

**172nd JUDICIAL DISTRICT COURT
of JEFFERSON COUNTY, TEXAS**

To: GLENNA, WAYNE E
BY SERVING ITS REGISTERED AGENT ROGER D OPPENHEIM

by serving at:
2900 NORTH LOOP WEST
5TH FLOOR
HOUSTON, TX 77092 0000

DEFENDANT:

NOTICE:

You have been sued. You may employ an attorney. If you or your attorney do not file a written answer with the clerk who issued this citation by 10:00 a.m. on the Monday next following the expiration of twenty days after you were served this citation and petition, a default judgment may be taken against you. Said answer may be filed by mailing same to: District Clerk's Office, 1085 Pearl, Room 203, Beaumont, TX 77701, (or if the case is designated as an E-file case, E-file through Lexis Nexis file and serve) or by bringing it to the office. The case is presently pending before the 172nd District Court of Jefferson County sitting in Beaumont, Texas, and was filed on the 28th day of December, 2018. It bears cause number E-0203101 and is styled:

PATRICIA WARE
VS.
KNIGHT TRANSPORTATION INC ET AL

Plaintiff:

Defendant:

The name and address of the attorney for plaintiff (or plaintiff, if pro se) is:

FERGUSON, PAUL F JR, Atty
350 PINE SUITE 1440
BEAUMONT, TX 77701-0

The nature of the demands of said plaintiff is shown by a true and correct copy of Plaintiff's PETITION (PLAINTIFF'S ORIGINAL) ATTACHED LETTER DESIGNATING ALL CASES EFILE accompanying this citation and made a part thereof.

Issued under my hand and the seal of said court at Beaumont, Texas, this the 2nd day of January, 2019.

JAMIE SMITH, DISTRICT CLERK
JEFFERSON COUNTY, TEXAS

BY

Deputy



I CERTIFY THIS IS A TRUE COPY
Witness my Hand and Seal of Office

January 28, 2019

JAMIE SMITH, DISTRICT CLERK
JEFFERSON COUNTY, TEXAS

Jamie Smith
Page 1 of 4

Valencia



RETURN OF SERVICE

E-0203101

172nd JUDICIAL DISTRICT COURT

PATRICIA WARE

KNIGHT TRANSPORTATION INC ET AL

Executed when copy was delivered:

This is a true copy of the original citation, was delivered to defendant Wayne E. Glenna, on the 10th day of Jan, 20 19._____, Officer
_____, County, Texas
By: _____, Deputy

ADDRESS FOR SERVICE:

GLENN, WAYNE E

BY SERVING ITS REGISTERED AGENT ROGER D OPPENHEIM

2900 NORTH LOOP WEST

5TH FLOOR

HOUSTON, TX 77092 0000

OFFICER'S RETURN

Came to hand on the 14th day of January, 20 19, at 11:55 o'clock a.m., and executed in Jefferson County, Texas by delivering to each of the within named defendants in person, a true copy of this Citation with the date of delivery endorsed thereon, together with the accompanying copy of the Citation by Mailing at the following times and places, to-wit:

Name	Date/Time	Place, Course and Distance from Courthouse
<u>Wayne E. Glenna</u>	<u>1/10/19</u>	<u>2900 N. Loop West 5th Floor</u> <u>Houston, TX 77092</u>

And not executed as to the defendant(s), _____

The diligence used in finding said defendant(s) being:

Certified Mail

and the cause or failure to execute this process is:

and the information received as to the whereabouts of said defendant(s) being:

FEES:

Serving Petition and Copy \$ 70

Total \$ _____

Jamie Smith, Officer
_____, County, TexasBy: D. Fortner, Deputy

Affiant

COMPLETE IF YOU ARE A PERSON OTHER THAN A SHERIFF, CONSTABLE, OR CLERK OF THE COURT.

In accordance with Rule 107: The officer or authorized person who serves, or attempts to serve, a citation shall sign and return. The signature is not required to be verified. If the return is signed by a person other than a sheriff, constable or the clerk of the court, the return shall be signed under penalty of perjury and contain the following statement:

"My name is _____, my date of birth is _____, and my address is _____
(First, Middle, Last)

(Street, City, Zip)

I DECLARE UNDER PENALTY OF PERJURY THAT THE FORGOING IS TRUE AND CORRECT.

Executed in _____, County, State of _____, on the _____ day of _____.

I CERTIFY THIS IS A TRUE COPY
Witness my Hand and Seal of Office

January 28, 2019

JAMIE SMITH, DISTRICT CLERK
JEFFERSON COUNTY, TEXASJamie Smith
Page 2 of 4

Declarant/Authorized Process Server

(Id # expiration of certification)

JAMIE SMITH
DISTRICT CLERK'S OFFICE
1085 PEARL ST RM 203
BEAUMONT, TX 77701-3545



9214 8901 0661 5400 0132 3006 23

RETURN RECEIPT (ELECTRONIC)

WAYNE E GLENN
BY SERVING ITS REGISTERED AGENT ROGER D
OPPENHEIM
2900 NORTH LOOP W STE 5
HOUSTON, TX 77092-8868

CUT / FOLD HERE

3"X9" ENVELOPE
CUT / FOLD HERE

CUT / FOLD HERE



I CERTIFY THIS IS A TRUE COPY
Witness my Hand and Seal of Office

January 28, 2019

JAMIE SMITH, DISTRICT CLERK
JEFFERSON COUNTY, TEXAS

Jamie Smith Page 3 of 4

FILED
at 11:55 o'clock a M

JAN 14 2019

JAMIE SMITH, DISTRICT CLERK
Jefferson County, Texas

BY D. Fontenot DEPUTY



January 13, 2019

Dear MAIL MAIL:

The following is in response to your request for proof of delivery on your item with the tracking number:
9214 8901 0661 5400 0132 3006 23.

Item Details

Status: Delivered, Left with Individual
Status Date / Time: January 10, 2019, 12:38 pm
Location: HOUSTON, TX 77092
Postal Product: First-Class Mail®
Extra Services: Certified Mail™
Return Receipt Electronic
Recipient Name: WAYNE E GLENNA

Shipment Details

Recipient Signature

Signature of Recipient:

Address of Recipient:

Note: Scanned image may reflect a different destination address due to Intended Recipient's delivery instructions on file.

Thank you for selecting the United States Postal Service® for your mailing needs. If you require additional assistance, please contact your local Post Office™ or a Postal representative at 1-800-222-1811.

Sincerely,
United States Postal Service®
475 L'Enfant Plaza SW
Washington, D.C. 20260-0004

The customer reference information shown below is not validated or endorsed by the United States Postal Service. It is solely for customer use.

Reference ID: 92148901066154000132300623

WAYNE E GLENNA
BY SERVING ITS REGISTERED AGENT ROGER D OPPENHEIM
2900 North Loop W Ste 5
Houston, TX 77092-8868



I CERTIFY THIS IS A TRUE COPY
Witness my Hand and Seal of Office

January 28, 2019

JAMIE SMITH, DISTRICT CLERK
JEFFERSON COUNTY, TEXAS

Page 4 of 4

**IN THE UNITED STATES DISTRICT COURT FOR THE
EASTERN DISTRICT OF TEXAS
BEAUMONT DIVISION**

PATRICIA WARE
Plaintiff

VS.

KNIGHT TRANSPORTATION, INC.
AND WAYNE E. GLENNA
Defendants

§
§
§
§
§
§
§
§

CIVIL ACTION NO. 1:19-cv-47

JURY REQUESTED

LIST OF PARTIES, COUNSEL OF RECORD AND STATUS

PLAINTIFF:
Patricia Ware

DEFENDANTS:
Knight Transportation, Inc.
Wayne E. Glenna

ATTORNEYS:

ATTORNEY FOR PLAINTIFF:
Paul "Chip" Ferguson, Jr.
SBN: 0691200
FBN:
FERGUSON LAW FIRM
350 Pine Street, Ste. 1440
Beaumont, TX 77701
409/832-9700
409/832-9708 (fax)
cferguson@thefergusonlawfirm.com

ATTORNEY FOR DEFENDANT
Roger D. Oppenheim
SBN: 15293400
FBN: 14205
LORANCE THOMPSON, PC
2900 North Loop West, Ste. 500
Houston, TX 77092
713/868-5560
713/864-4671 (fax)
rdo@lorancethompson.com

STATUS OF REMOVED CASE:

December 28, 2018 Plaintiff's Original Petition

January 31, 2019 Defendants' Notice of Removal

Defendants, Knight Transportation, Inc. and Wayne E. Glenna have been served with the Plaintiff's Original Petition. Defendants have not filed responses to written discovery. No depositions have been taken. The matter has not been mediated. The case has no trial setting or other court ordered deadlines.

Respectfully submitted,

/s/ Roger D. Oppenheim

Roger D. Oppenheim

FBN: 14206

SBN: 15292400

OF COUNSEL:

LORANCE THOMPSON, P.C.

2900 North Loop West, Suite 500

Houston, TX 77092

713/868-5560

713/864-4671 (fax)

rdo@lorancethompson.com

ATTORNEY FOR DEFENDANTS

KNIGHT TRANSPORTATION, INC.

AND WAYNE E. GLENNA

CERTIFICATE OF SERVICE

I hereby certify that on this 31st day of January, 2019, a true and correct copy of the foregoing instrument was served by e-filing and/or facsimile to the following counsel of record:

Paul "Chip" Ferguson, Jr.

Ferguson Law Firm

350 Pine Street, Ste. 1440

Beaumont, TX 77701

cferguson@thefergusonlawfirm.com

/s/ Roger D. Oppenheim

Roger D. Oppenheim